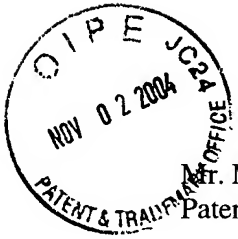


IFW



Oct. 29, 2004

Mr. Mark T. Henderson
Patent Examiner

Dear Mr. Henderson:

The following is in response to Office Action Summary mailed 9/28/2004 regarding Application No. 10/639,921. This response is in accordance with 37 CFR 1.111.

I withdraw claims 1-8 and am presenting here new claims 9 and 10. I am including below a brief paragraph, on each reference cited, pointing out the specific distinctions that I believe to render the claims in the application to be patentable over the prior art as described in the references cited.

PN 3,591,300, Beyer. In this patent the pivot axis of the page lifting device is not located at approximately the axis of the binding rings as described in 9.d) and 10.d). As stated in claim 1. of that patent, it is 'adapted to be secured to the binder only by a ring of the binder' thus nothing is attached to the binding-ring base cover with pressure sensitive adhesive with a peel-off protective cover as described in 9.f) or with foam tape having pressure sensitive adhesive with a peel-off protective cover as described in 10.f). It does not appear to be suitable to do the primary objective of the device, an inexpensive device, that is attached to the binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder.

PN 4,420,271, Zabielski, also does not appear to be suitable to do the primary objective of the device since the lifters are attached directly to the ring-base cover and not to an attaching member as described in 9.a) and 10.a). Thus the pivot axis of that page lifting device is not located at approximately the axis of the binding rings as described in 9.d) and 10.d) and nothing is attached to the binding-ring base cover with pressure sensitive adhesive with a peel-off protective cover as described in 9.f) or with foam tape having pressure sensitive adhesive with a peel-off protective cover as described in 10.f). It does not appear to be suitable to do the primary objective of the device, an inexpensive device, that is attached to the binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder.

PN 3,191,604, Wance, also does not appear to be suitable to do the primary objective of the device since the lifters are attached directly to the ring-base cover and not to an attaching member as described in 9.a) and 10.a). Thus the pivot axis of that page lifting device is not located at approximately the axis of the binding rings as described in 9.d) and 10.d) and nothing is attached to the binding-ring base cover with pressure sensitive adhesive with a peel-off protective cover as described in 9.f) or with foam tape having pressure sensitive adhesive with a peel-off protective cover as described in 10.f). It does not appear to be suitable to do the primary objective of the device, an inexpensive device, that is attached to the binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder.

PN 2,179,757, Schade, also does not appear to be suitable to do the primary objective of the device since the lifters are not hinge mounted to an attaching member as described in 9.a) and 10.a). Thus the pivot axis of that page lifting device is not located at approximately the axis of the binding rings as described in 9.d) and 10.d) and nothing is attached to the binding-ring base cover with pressure sensitive adhesive with a peel-off protective cover as described in 9.f) or with foam tape having pressure sensitive adhesive with a peel-off protective cover as described in 10.f). It does not appear to be suitable to do the primary objective of the device, an inexpensive device, that is attached to the

binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder.

PN 3,493,310, Orth, et al, requires a 'tongue that projects upwardly from the spine' but does not address the attachment of the tongue to the spine. Thus the tongues are not attached to the binding-ring base cover with pressure sensitive adhesive with a peel-off protective cover as described in 9.f) or with foam tape having pressure sensitive adhesive with a peel-off protective cover as described in 10.f). It does not appear to be suitable to do the primary objective of the device, an inexpensive device, that is attached to the binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder.

PN 2,090,231, Raynolds, describes a device that is retained by the binder rings and is not attached to the binder-ring base cover. Thus it is not attached to the binding-ring base cover with pressure sensitive adhesive with a peel-off protective cover as described in 9.f) or with foam tape having pressure sensitive adhesive with a peel-off protective cover as described in 10.f). It does not appear to be suitable to do the primary objective of the device, an inexpensive device, that is attached to the binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder.

In summary, following review of all prior art listed in both the application and the Office Action Summary, it appears that the described device for an inexpensive device, that is attached to the binder with pressure sensitive adhesive with a peel-off protective cover, to prevent damage to pages in a loose-leaf binder has not been patented and such a device is not obvious to one knowledgeable in the art.

I am also including a revised figure page to remove the figures relating to the device being made from stiff wire and add figures showing the pressure sensitive adhesive and peel-off protective cover and a revised specification with the changes being to remove all reference to the device being made from stiff wire, replace the word 'center' with 'axis' and other clarifying changes as shown on a marked copy. The marked copy and a fresh version with these changes incorporated are enclosed.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Daniel W. Pangburn", written over a horizontal line.

Daniel W. Pangburn

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